

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 26, 2006 – Page 1 of 4**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:32 p.m., and was chaired by John Racine in Jeff Gosselin's absence.

- **Members in Attendance:** Tom Truchon, Jim Horn, John Racine, Stephen Morgan, and Jonathan Earle. **Absent:** Jeffrey Gosselin and Roger Philippon.

- **Associate Members Present:** Tom Peters and Ron Chartier.

- **Staff Present:** Gildace Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: Staff Memorandum dated June 22, 2006 prepared by David Hediger, City Planner; comments from Janice E. Patterson, P.E., Project Engineer, Department of Public Services regarding the Jeanine R. LeBlanc development at 610 Webster Street; Memorandum from Trafton & Matzen, LLP regarding Land Tree Corporation's Petition to Amend Open Space Requirements dated June 26, 2006; and An Ordinance Pertaining to Zoning Boundaries, Appendix A, Zoning and Land Use Code, Article IV. Establishment of Districts, Section 1. Zoning Map (Effective Dates: 11/16/2000 and 06/15/2000) in regards to 780-782 Lisbon Street.

MOTION: by **Tom Peters** that the Planning Board accept the above items, place them on record, and read them at the appropriate time. Second by **Jim Horn**.

VOTED: 6-0 (Passed).

Tom Truchon recused himself from the Board on the following item.

John Racine appointed both Tom Peters and Ron Chartier voting members.

IV. HEARINGS:

A. A proposal from A.R.C.C. Land Surveyors, Inc. on behalf of Jeannine R. LeBlanc for a three- (3-) lot subdivision (Cedar Creek Subdivision) and the construction of a 650 foot street at 610 Webster Street.

David Hediger read his Staff Memorandum dated June 22, 2006. This property is located in the Suburban Residential (SR) District and consists of approximately 37 acres. The proposed road will extend the existing private road to provide frontage for the proposed lots. The intent of the applicant is to have the street accepted by the City once it is completed. All the lots will be serviced by public water and sewer. There were no concerns from the Police and Fire Departments.

Arthur Montana has submitted the revised plan.

John Racine questioned Comment No. 7 in the Staff Memorandum which states, "*The applicant has not provided any evidences from a financial institution or other source demonstrating they have adequate resources to complete the proposed development. Staff suggests this be provided to staff's satisfaction as a condition of approval prior to the release of any signed plans.*". Tom Peters explained that this is an assurance the project will be finished.

Present at this meeting was **Jeannine R. LeBlanc**, who questioned the placement of the fire hydrant on the plans and requested to not have it placed on the plans. Tom Peters stated that if the Fire Department is willing to waive it, it could be removed from the plans to Staff's satisfaction.

Tom Peters asked David Hediger how much land is located out of the wetlands. David Hediger responded that the plan has been amended to show 4,300 SF and has been submitted to Staff's satisfaction.

This item was opened to the public for those in support. There were none, therefore, this item was opened to the public for those in opposition. There was none, therefore, the following motion was made.

MOTION: by **Tom Peters**, second by **Jonathan Earle** that the Planning Board determines the application submitted by A.R.C.C. Land Surveyors on behalf of Jeannine R. LeBlanc (a three-lot subdivision and construction of a 650 foot street) at 610 Webster Road to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and grants approval to Jeannine R. LeBlanc, subject to the following conditions:

1. No signed mylars are released by the City until the remaining engineering concerns have been addressed to Public Services satisfaction.
2. The applicant must provide to Staff's satisfaction, evidence from a financial institution or other source to demonstrate the applicant has adequate resources to complete the proposed development prior to the approved Site Plan being released by the City.
3. Any proposed street trees to be located within the right-of-way, must be planted prior to the City's acceptance of the street. If the trees are to be located outside the right-of-way, these trees must be planted prior to the issuance of Certificates of Occupancy permits for the homes constructed on said lots. The trees must be a minimum 2.5' caliper.
4. That the placement of the fire hydrant remain on the plans, unless deemed not necessary by the Fire Department.

VOTED: 6-0 (Passed).

Tom Truchon rejoined the Planning Board.

B. A proposal from Pine Tree Engineering, Inc. on behalf of the Lewiston Housing Authority (Meadowview Park) for the installation of a 30-space parking lot expansion at 166 Farwell Street (Spofford and Farwell Streets).

David Hediger read his Staff Memorandum dated June 22, 2006. This is an amendment to a major project. The additional 30 spaces are needed to meet the increasing number of elderly residents owning and driving vehicles and to accommodate guests of the tenants. This parcel is located in the Neighborhood Conservation "A" (NCA) District and is currently a lawn and garden space. Drainage from the site will be connected directly into the Farwell Street stormwater collection system/Jepson Brook. There were no concerns from the Public Services, Fire, and Police Departments.

Present at this meeting was **David Projansky** from the Lewiston Housing Authority and **Robert Prue** from Pine Tree Engineering, Inc. Tom Peters asked how many spaces are required per unit? Gil Arsenault responded that there is a ½ space per dwelling unit. This is all elderly housing units. David Projansky stated that the definition of elderly is a person 62 years of age and older. He also stated that this is a tenant-initiated request. Tom Peters requested to have Staff look at the standards for parking. Also, for the record, Tom Peters stated that the record should be corrected to reflect that Meadowview Park is a 152 unit complex, not 153 as stated in the application.

This item was opened to the public for those in support. There were none, therefore, this item was opened to the public for those in opposition. There were none, therefore this item was brought back to the Board.

The following motion was made.

MOTION: by **Tom Peters**, second by **Tom Truchon** that the Planning Board determines the application submitted by Pine Tree Engineering, Inc. behalf of the Lewiston Housing Authority at 166 Farwell Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to the Lewiston Housing Authority for the creation of 30 new parking spaces to serve the 152 unit complex, subject to the following condition:

1. That a note be added to the Plan indicating that approval of the development shall expire after a period of 24 months, if substantial development has not begun and that extensions of approval may be requested at least 60 days prior to the time of expiration.

VOTED: 7-0 (Passed).

C. A petition filed by the Land Tree Corporation to amend Article XIII, Section 4(s) of the Zoning and Land Use Code by exempting certain projects in the Neighborhood Conservation "A" (NCA) Zoning District from setting aside open space or recreational landing areas when such developments involve fewer than thirty (30) new, single-family, detached dwelling units on lots at least fifty percent (50%) larger than that District's minimum lot size.

David Hediger read his Staff Memorandum dated June 22, 2006. Staff's opinion is that the current open space standards are in need of being amended to provide more options for the City and developers in conserving land areas within proposed subdivisions and other areas of the City. Staff feels that the amendment should be focused on the open space provisions from a City-wide perspective.

Present at this meeting was Attorney **Richard Trafton** from Trafton & Matzen, LLC on behalf of the Land Tree Corporation. Richard Trafton made a presentation to the Board. Land Tree Corporation is owned by Robert & Helen Foss. At this point in his presentation he referenced his memorandum distributed at this meeting dated June 26, 2006.

This amendment is driven by one (1) subdivision on Deer Road adjacent to Michaud Meadows for which it plans new single family residences and applies to development within the Neighborhood Conservation "A" (NCA) District. There are very few zones with NCA zoning that are undeveloped in the City. Dick Trafton has been talking about alternatives for open space with both Gil Arsenault and David Hediger. He stated that liability of open space is not discussed enough and that a broader approach is needed to be worked on. He said that the current ordinance does not work.

Tom Peters stated that he would like to see the code with other options and would also like to sit with Staff to develop options. Gil Arsenault stated that the current ordinance does not make sense. Dick Trafton stated that this amendment needs to happen quickly and be approached carefully and is willing to work on this. He would like this amendment to go through as soon as possible.

Jim Horn said that we need to find a better solution. Tom Peters said more thought is needed with this amendment. Jim Horn suggested getting creative, while Tom Peters suggestion was to create a sub-committee to meet on this. Gil Arsenault suggested scheduling this item to be worked on after the Labor Day holiday. He will meet with Staff and come up with something more comprehensive. Tom Peters suggested coming up with a reasonable time to decide when. Staff could get ideas and meet with some Board Members. Dick Trafton would like to allow the petitioners (Bob and Helen Foss) to move forward with the amendment. Ron Chartier stated that this is only holding up one development.

The following motion was made.

MOTION: by **Tom Peters**, second by **Tom Truchon** that the amendment to Article XIII, Section 4 (s) of the Zoning and Land Use Code be tabled to the 09/25/2006 Planning Board Meeting for Staff to work with the petitioner and resubmit for a meeting in October 2006 and based on drafting new open space standards.

VOTED: 5-2 (Passed – Morgan/Chartier Opposed).

V. OTHER BUSINESS:

A. Reversion of Conditional Rezoning Agreement from the Community Business (CB) District to the Neighborhood Conservation "A" (NCA) at 780-782 Lisbon Street.

The following update was made by Staff. This property reverts back to what it was before the Conditional Agreement. Staff will be looking for actions on this and other conditional rezoned properties that have been reverted back to the original zoning, due to language contained in the agreement.

B. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. Both David Hediger and Gil Arsenault have been talking about the Planning Board duties and responsibilities. They have met with Bob Faunce, Tom Peters, and Roger Philippon and Jeff Gosselin.

Tom Peters suggested keeping an "Old Business" section on the agenda. This will keep track of the items being worked. The summer schedule will be as follows: Mondays, July 24, 2006 and August 14, 2006, with the regular schedule returning on Monday, September 11, 2006.

VI. READING OF THE MINUTES: Draft Meeting Minutes for June 12, 2006.

The following motion was made:

MOTION: by **Steve Morgan**, second by **Tom Truchon** that the Planning Board accept the Planning Board Minutes dated June 12, 2006, as submitted.

VOTED: 7-0 (Passed).

VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Tom Truchon**, second by **Steve Morgan** that this meeting adjourn at 6:58 p.m.

VOTED: 7-0 (Passed).

Respectfully submitted,

Steven Morgan, Planning Board Secretary

DMC:dmc

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